

05/24/01  
JC961 U.S. PTO

05-25-01

A

Docket No: AM100307-00  
Patent

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

JC997 U.S. PTO  
09/865023  
05/24/01

Application for Transmittal under 37 CFR 1.53 (b)

Transmitted herewith for filing is the patent application of the following Inventor(s):  
**Michael Aven, Astrid Brandt and Norbert Nelgen**

**For: ENHANCEMENT OF THE ACTIVITY OF CAROTENOID BIOSYNTHESIS  
INHIBITOR HERBICIDES**

1. This new application is for a:  
☐ Divisional  
☐ Continuation  
☐ Continuation-in-part (CIP)
2. Benefit of Prior U.S. Application(s) (35 USC 119)  
This new application being transmitted claims the benefit of prior U.S. application(s) Serial No. **60/213,819** filed on **June 23, 2000** and **60/222,535** filed on **August 2, 2000**.
3. Papers enclosed which are required for filing date under 35 CFR 1.53(b):  
**20** Pages of specification  
☐ Sequence Listing (\_\_\_ pages)  
**6** Pages of claims  
**1** Page(s) of abstract  
Sheets of drawing  
☐ Formal  
☐ Informal
4. Additional papers enclosed  
☒ Information Disclosure Statement  
☒ Form PTO-1449  
☒ Citations  
☐ Declaration of Biological Deposit  
☐ Computer Readable Form of Sequence Listing  
☐ Declaration Under 37 CFR 1.821(f)

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EF127996159US** addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

*May 24, 2001*  
Date

*Delia Coughlin*  
Delia Coughlin

5. Declaration

- ☐ Copy from a prior application (37 CFR 1.63 (d)) is enclosed  
☐ New declaration enclosed and executed by all inventor(s)  
☒ New declaration not enclosed or not executed by all inventor(s)

6. Assignment

An assignment of the invention to:

- BASF Aktiengesellschaft  
☐ was made in the prior application and recorded in PTO on \_\_\_\_\_, Reel \_\_\_\_\_, Frame \_\_\_\_\_  
☐ is attached under separate Recordation Form Cover Sheet.  
☒ will follow.

7. Incorporation By Reference

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Section 5 of this transmittal, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

8. Amendments

- ☐ Cancel in this application original claim of the prior application before calculating the filing fee. (At least one original independent claim is retained for filing purposes.)  
☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following with the highest numbered original claim in the prior application.)

9. General Authorization:

During the pendency of this application treat any reply requiring a petition for extension of time for its timely submission as containing a request therefor for the appropriate length of time. The Commissioner is hereby authorized to charge all required extension of time fees during the entire pendency of this application to Deposit Account No. 02-1197.

10. Filing Fee Calculation

CLAIMS AS FILED				
(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA X RATE		(4) BASIC FEE
				\$710.00
TOTAL CLAIMS	13-20	0	X \$ 18.00	0.00
INDEPENDENT CLAIMS	3-3	0	X \$ 80.00	
MULTIPLE DEPENDENCY FEE	No		X \$ 270.00	
		Total Filing Fee:		\$ 710.00

11. Fee payment being made at this time: **\$710.00**
12. Method of Payment of Fees:  
Charge Deposit Account No. **02-1197** in the amount of **\$710.00**  
A duplicate of this transmittal is attached.
13. Instructions as to Overpayment:  
Credit any overpayment to Deposit Account No. **02-1197**.
14. Authorization to Charge Additional Fees  
☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **02-1197**:  
☒ 37 CFR 1.16(a), (f), or (g) filing fees  
☒ 37 CFR 1.16(b), (c), and (d) presentation of extra claims  
☒ 37 CFR 1.16(e) surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application.  
☒ 37 CFR 1.17 application processing fees
15. Relate Back  
☐ Amend the Specification by inserting before the first line the sentence:

16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- (a) ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application is (are)

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted in accordance with the signed statement attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)):

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration is being filed. With respect to the prior application the inventor(s) in this application is (are)

☐ the same

☐ the following additional inventors have been added:

17. Maintenance of Copendency of Prior Application

- (a) ☐ Extension of Time in Prior Application  
☐ A petition, fee and response extends the term in the pending prior application until  
☐ A copy of the petition filed in the prior application is attached.

- (b) ☐ Conditional petition for Extension of Time in Prior Application.  
☐ A conditional petition for extension of time is being filed in the pending prior application.  
☐ A copy of the conditional petition filed in the prior application is attached.

  
Charles F. Costello

Reg. No. 27,324

Intellectual Property Department  
BASF Corporation  
3000 Continental Drive - North  
Mount Olive, New Jersey 07828-1234  
Tel. No. (609) 716-3273

<b>FEE TRANSMITTAL</b> <b>for FY 2001</b>  <i>Patent fees are subject to annual revision</i>	<b>Complete if Known</b>												
<b>TOTAL AMOUNT OF PAYMENT</b> <b>(\$)</b> <b>710.00</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>Express Mail Certificate No. EF127996159US</td> </tr> <tr> <td>Filing Date</td> <td><del>May 23, 2001</del> <b>May 24, 2001</b> <span style="float: right;">5/24/01</span></td> </tr> <tr> <td>First Named Inventor</td> <td>Michael Aven et al.</td> </tr> <tr> <td>Examiner Name</td> <td>Unknown</td> </tr> <tr> <td>Group Art Unit</td> <td>Unknown</td> </tr> <tr> <td>Attorney Docket No.</td> <td>AM100307-00</td> </tr> </table>	Application Number	Express Mail Certificate No. EF127996159US	Filing Date	<del>May 23, 2001</del> <b>May 24, 2001</b> <span style="float: right;">5/24/01</span>	First Named Inventor	Michael Aven et al.	Examiner Name	Unknown	Group Art Unit	Unknown	Attorney Docket No.	AM100307-00
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METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																																														
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number: <b>02-1197</b></p> <p>Deposit Account Name: <b>BASF Corporation</b></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p><input type="checkbox"/> Check    <input type="checkbox"/> Credit Card    <input type="checkbox"/> Money Order    <input type="checkbox"/> Other</p>	<p><b>3. ADDITIONAL FEES</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td>\$</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge-late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English Specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner Action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner Action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive- unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive- unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td>\$</td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.7(q)</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table> <p>Other fee (specify):</p> <p>*Reduced by Basic Filing Fee Paid</p> <p style="text-align: right;"><b>SUBTOTAL (3)</b>      (\$)</p>	Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath	\$	127	50	227	25	Surcharge-late provisional filing fee or cover sheet		139	130	139	130	Non-English Specification		147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner Action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner Action		115	110	215	55	Extension for reply within first month		116	390	216	195	Extension for reply within second month		117	890	217	445	Extension for reply within third month		118	1,390	218	695	Extension for reply within fourth month		128	1,890	228	945	Extension for reply within fifth month		119	310	219	155	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive- unavoidable		141	1,240	241	620	Petition to revive- unintentional		142	1,240	242	620	Utility issue fee (or reissue)		143	440	243	220	Design issue fee		144	600	244	300	Plant issue fee		122	130	122	130	Petitions to the Commissioner	\$	123	50	123	50	Processing fee under 37 CFR 1.7(q)		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))		149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))		179	710	279	355	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application	
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**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.